WITNESS IN MOST OF DORSEY'S GRILLING WHEN COURT ADJOURNS UNTIL NINE O'CLOCK ON MONDAY

Assistant Factory Superintendent Refutes Testimony of C. B. Dalton and Jim Conley That Frank Frequently Had Women Callers In His Office on Saturday Afternoons and During Holidays—He Says He Never Saw Conley There Saturday Afternoons

DECLARES THAT WIFE OF THE ACCUSED FREQUENTLY CALLED ON HUSBAND AT HIS OFFICE ON SATURDAYS

Attorney Arnold Registers Another Objection Against Laughter of Spectators in the Court Room—Solicitor Draws From Schiff Change of Answers Made to Several Previous Statements of His While on the Witness Stand

The second week of the trial of Leo M. Frank, charged with the murder of Mary Phagan ended at 12:30 o'clock Saturday when court adjourned until 9 o'clock Monday morning. Herbert Schiff, assistant superintendent of the National Pencil factory was on the stand for the defense at the hour of adjournment and will resume under cross-examination by Solicitor Hugh M. Dorsey on Monday. During the cross-questioning of Schiff, he and the solicitor had many tilts regarding the system of the factory office and were frequently interrupted by objections from Attorney Arnold for the defense. The solicitor put Frank's assistant through a grilling examination during the course of which he caused the witness to change several answers he had previously made to the jury.

That Jim Conley, the negro sweeper who accuses Frank, feared the crowd gathered in front of the pencil factory following the murder of Mary Phagan and that the negro declared that he would give a million dollars if he had a white skin, was the declaration of Schiff, earlier during his testimony. Schiff also declared that the financial sheet made out in Frank's handwriting on April 26 was accurate and the handwriting of the accused superintendent was normal. Schiff works with Leo M. Frank in the office and assists in making up the weekly financial sheets.

He refuted the stories told by the negro Conley and C. B. Dalton that Frank frequently had women in the office on Saturday afternoons. Schiff declared that he had missed very few Saturday afternoons in the office since June, 1912, until January of this year and during that time no women except the accused's wife visited the office during the Saturday afternoons.

George Minar, a newspaper reporter, was on the stand a short while prior to Schiff's testimony and declared that when he interviewed George Epps, the newsboy that the "newsie" failed to tell him that he had seen Mary Phagan since the Thursday preceeding [sic] the tragedy.

NEWSBOY CALLED.

Leo M. Frank, the accused, breakfasted early with his wife as usual in one of the rooms adjoining the court, Saturday morning, while the hundreds waited outside in a long line to gain admittance to the court. Ten minutes before court was due to convene, the lawyers and the judge were there and everything was ready for the trial to resume at 9 o'clock.

George Epps, the newsboy whose testimony that he accompanied Mary Phagan to town when she came to her death at the National Pencil factory has been attacked by the defense, was called to the stand as the first witness. Several efforts Friday to locate him proved unavailing, it being said that he was about his usual business of selling papers on the streets. The defense subpenaed him. C. B. Dalton was called before Epps, but did not answer.

Barefooted and coatless, the tow-headed newsboy walked again to the witness stand.

"Do you remember the Sunday the body was found?" asked Mr. Arnold.

"Yes, sir."

"Do you remember Mr. Minar, a newspaper man, coming out there that night and talking to you and your sister?"
"Yes."

"Didn't he ask you and your sister when was the last time you saw Mary Phagan, and didn't your sister say Thursday?"

"I wasn't there then. I was in the house, but I didn't stay where he was talking."

"Well, weren't you there when he asked that question?"
"No, my father was there but I was not."

"That's all," said Mr. Arnold.

Solicitor Dorsey took the witness. "Have you ever refused to come to this court when you were called?"

PLAYING BALL YESTERDAY.

"No, whenever you send for me I come right straight."

"Why weren't you here yesterday?"

"I got tired waiting, and you said you'd send for me if I was needed, and when they went out to the house for me I was out playing ball."

"Did you call me last night?"
Mr. Arnold interrupted, saying that was not a proper question. Mr. Dorsey replied that Mr. Arnold had tried to have the jury under the impression that this boy had run away and had refused to come to court when summoned. The question was not allowed, however, by Judge Roan. Epps was released, and John Minar, a reporter on the Atlanta Georgian, was called to the stand.

"Were you a reporter for the Georgian in April, Mr. Minar?" asked Attorney Arnold.

"I was."

"Do you recall the finding of the body of little Mary Phagan on April 27?"

"Yes."

"During that day did you go to the Epps home in an endeavor to see little George Epps?"

"I did."

"What time did you go?"

"About 8 o'clock."
"Did you see this little boy and his sister?"
"I did."

"Did you attempt to get out of them—"

Solicitor Dorsey interrupted, objecting to any testimony as to what the sister said, inasmuch as she had not been brought into the case. The judge allowed the question, however.

"Did you ask them as to the last time either one of them had seen Mary Phagan?"

"I asked them who had seen her last. The girl said she had seen her on the previous Thursday."

"When did George Epps say he saw her?"

"The boy said he saw her occasionally going to work in the mornings."

"Did he say anything about seeing her Saturday?"
"He did not."

"What was the last time that either one of them said they saw this little girl Mary Phagan?"
"Thursday."

"Did he claim or breathe a thing about seeing her after Thursday?"
"He did not."

Attorney Hooper cross-examined the witness.

HERBERT SCHIFF CALLED.

Harllee Branch, a reporter of The Atlanta Journal, was called, but was not in court at the moment.

Herbert Schiff was called as the next witness. He was assistant superintendent at the pencil factory when the murder was committed.

"Are you the assistant superintendent at the National Pencil factory?"

"I have worked there in several capacities."

"In what capacity were you working

"I was assisting Mr. Frank."

"What were your duties?" […]

Schiff Refutes Testimony of Conley and Dalton

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FRANK'S SALARY

"Do you know what Frank's salary was?"

"[words illegible] It was $150 a month."

"What was your salary?"
"Eighty dollars a month."

"You said Sig Montag was the general manager?"
"Yes."

"Where did he stay?"
"He stayed at Montag Brothers."

"Who banked the money and paid the bills?"

"That was all done from Montag's?"

"Did you or Frank draw any checks or payment of bills?"
"We did not. Neither of us had the authority to draw checks."
"What, then, in a general way were your duties?"
"We attended to the manufacturing end of the business."
"What did this finance sheet show?"
"It showed whether the week terminated with a profit or a loss. It showed the quantity of pencils manufactured and the quantity packed and other similar details of the business."

"What time did the week start?"

"It started on Friday morning, and ran until the following Thursday night."

FINANCIAL SHEET.

"What else did you have to show on this financial sheet?"
"We had to show prices, shipping, and amounts."

"You say that the week started Friday morning and went to Thursday night. Why was it that you waited until Saturday to make up the financial sheet?"

Because reports supposed to reach there Friday often did not come until Saturday and because we had to include the payroll, which was finished on Saturday."

"How long has it been customary to make this financial sheet on Saturdays?"

"Ever since the factory started."

"How did you help Frank on it?"
"I usually got up most of the data, the factory records, and reports of the foremen and foreladies, record of shipments, records from the slat factory and totals of payrolls."

"Beginning June, 1912, and up to January 1, 1913, what Saturdays did you miss going to the factory?"

"None at all."

"How about your vacation?"
"Oh, yes, I was off the last week in July and the first week in August."

"Except for those two weeks, did you miss a single Saturday in that period?"

"No."

FRANK'S OFFICE HOURS.

"What time would you come back on Saturday afternoons?"
"Well, I usually left at 12:30 and came back at 2 to 2:15."

"How about Frank?"
"He usually left a little after 1 o'clock and returned about 3 o'clock."

"Do you remember Frank ever getting back first?"
"No."

"Would you work until he came?"
"Yes."

"And after you got there, how did you do?"

"We worked together."

"Were you interrupted frequently by salesmen?"

"Yes, people often came on business, and sometimes people from Montag's would come."

"Did you ever know of the door being locked on Saturday afternoons?"
"No."

OTHERS IN OFFICE.

"Who else was there?"
"The office boy generally was in the outer office."

"Did you ever have st[e]nographers come back on Saturday?"
"No."
"Who else was there?"
"As a rule, one of the machinists stayed there, and Harry Denham would work on the fourth floor, and a negro named Pride would work there, and sometimes Mr. Wilson."

"How about Holloway?"
"He usually stayed around the time clock until relieved by the night watchman, or about 4:30."

"Did you ever have a negro night watchman?"
"Not until Newt Lee came."

"Who was the watchman before him?"
"The Kendricks."

"How long did it take to get up to the financial sheet?"
"It depended on the number of interruptions."

"What time did you usually leave the factory on Saturdays?"
"About 5:30 o'clock."

"By yourself."

"No, with Frank."

MRS. FRANK VISITED OFFICE.

"Did Mrs. Frank ever come to the factory on Saturday afternoons?"
"Quite often."

"Did you ever see Jim Conley on Saturday afternoons?"
"No."

"Did you and Frank ever have any women up there?"
"No."

"Is there a bed, a cot, a lounge, or a sofa, or anything else like that, in the building?"
"No, my attention has been called to a filthy box in the basement which has no connection with our factory since this matter came up."

Mr. Arnold caused the witness to repeat that he had missed no Saturdays except on his vacation."

"Were you there the first Saturday in January?"
"Yes, I left the city about 3:10."

"Were you there at the factory most of the day?"
"Yes."

"Who else was there?"
"Ten or twelve of the fellows. We stayed there until 5 minutes to train time, and several of them and Mr. Frank went to the train with me."

"Did you ever know this man Dalton?"
"Never saw him."

KNOWS HOPKINS GIRL.

"Do you know Daisy Hopkins?"

"Yes."

"Where did she work?"
"On the office floor with about ten other girls."

"Do you remember when she left?"

"No."

Mr. Arnold handed to the witness the factory pay roll and asked him to refresh his memory from it as to the time she left. The witness looked through the pay roll and remarked, "This books begins on May 1, 1912."

"When does Daisy Hopkins name appear last?"
"On the week of June 6, 1912."

"What day of the week was that?"
"She only worked two days, Friday and Saturday."

"Do you know this woman personally?"
"I'd know her if I saw her."
"Did you ever see her come back on any Saturday afternoon after she quit the factory, alone or with anybody else?"
"I did not."
"How long did Frank remain in the pencil factory on the first Saturday in January?"
"'Till he went to the train with me in the evening."

SNOWED THANKSGIVING?

"Do you recollect last Thanksgiving day?"
"I do."

"What kind of a day was it?"
"It was cold and snowing."

"Were you at the pencil factory that day?"
"I was."
"Who else was there?"
"Mr. Frank was there, and the office boy and I had Jim Conley come back."

"Tell the jury the conditions under which Conley came back."

"The box room had to be cleaned up," said the witness, facing the jury, and I told him to come back and do it. I put him and the office boy at work together."
"Where were you and Frank at this time?"

"We were in the office."

"When did Frank leave?"
"About 12, we went together."

"When did Conley leave, to the best of your recollection?"
"About 10 o'clock in the morning."

"Do you remember anything that Frank had to do that day?"
"Yes, he went to a B'nai B'rith fair."

"He was president of that organization, wasn't he?"
"Yes."

"Where was the fair?"
"At the Orphans' Home."

"You helped to carry some bundles to the car for him, didn't you?"
"Yes, sir."

SCHIFF PAID OFF APIRL 25.

"What time did he get on the car, to the best of your memory?"
"About 12:10 p. m."

"Who paid off on Friday, April 25?"

"I did."
"Where did you pay from?"
"The window in the outer office."

"Do you recall Helen Ferguson getting her pay?"
"I do."

"Do you remember her or anybody else asking to get Mary Phagan's pay envelope?"
"I do not."

"Whom would she have had to ask, in order to get it?"
"Me. She would have had to bring a note."

"What is the rule regarding relatives getting pay for anybody?"
"Well, if we know their faces we might give it to them."

NONE ASKED FOR MARY'S PAY.

"Did you see anybody go to Mr. Frank and ask for Mary Phagan's pay?"
"I did not."
"Was there any reason for going to him?"
"No, sir."

"How many people did you pay off Friday?"
"Well, we had 160 envelopes when I started, and I think there were about six or eight left."

"Now, that Friday night, when did you and Frank leave?"
"We left together, about 6 or 6:30 o'clock."

In answer to questions the witness said that he did not get up his usual data on that Friday because he had to fix up the pay roll that day. "This threw more work on Frank," said the witness, "because he had to do on Saturday the work I usually did on Friday, before he could start on the financial sheet."

WHY HE WASN'T THERE APRIL 26.

"Did you intend to come to the factory that Saturday morning?"
"I did."

"Did you come?"
"I did not."

"Why?"
"I overslept."
"It was a holiday anyhow, wasn't it?"
"Yes."
"Did Frank or anybody else call you up at your home and ask for you?"
"Yes, they called me up, but the maid answered the phone."

Attorney Arnold directed the witness attention to the diagram of the pencil factory introduced by the solicitor. Mr. Arnold asked

Schiff if the diagram showed Frank's office or the outer office to be larger. The witness replied that it showed the outer office larger.

"As a matter of fact, which of these two offices is the larger?"
"Frank's office—it's about twice as large."

"Is the elevator as far from the office as the diagram shows?"

"The elevator is directly opposite the time clock. This diagram shows that it's nearly as far back as the staircase."

"Then that's an inaccuracy?"
"It is."

MODEL OF FACTORY.

The model of the factory was brought into court.

"Are you familiar with this door into the Clark Woodenware department?"
"Yes."

"Did you notice this door after the tragedy?"
"Yes, I noticed it two or three days afterward."
"Was it open or shut?"
"It was cracked."

"Is there a hole there in the woodenware department?"
"Yes. It is a sort of a built-up hole in the floor, where a machine was operated formerly."
"Is it open?"
"Yes."
"It has no lid?"
"None at all."
"Is the opening down through that whole [sic] big enough to put through the body of a girl the size of Mary Phagan?"
"Yes."
"Do you recollect that hole ever being nailed up?"
"I do not."

"If a body was pushed down through that hole, where would it stop?"
"I should say it would stop on the platform below."

THE CHUTE.

"This first chute here, shows in the model, does it stay open?"
"There was no danger of anybody falling through it. It was protected by a square banister about waist high."

The model then was removed from court. Attorney Arnold began to question the witness in detail concerning the finance sheet which Frank claims to have made out on Saturday afternoon, April 26.

"Look at this paper. Do you recognize it?"
"I do."
"What does it show?"
"It shows the name, the grade, and the amount of pencils packed in our factory during the week ending April 24."

"When did Frank first know that you hadn't gotten up for him that data?"

"On Saturday morning, I suppose."

"How long did it usually take you and Frank to finish the financial sheet?"
"About three or four hours."

"Is that the sheet Frank made upon Saturday morning, April 26?"

"It is the sheet for that week."

SHEET FOR APRIL 26 ACCURATE.

"Have you been into those figures to see if he carried into the sheet the data you left there for him?"

"I have."
"Are the figures accurate?"
"They are."
Attorney Arnold asked the witness to explain a number of the items at the top of the finance sheet. The witness explained that

the first items represented fixed charges, such as rent, light and power, insurance, etc.

"Please tell us what that next item is."

"It shows 2.756 and a half gross."
"What is that?"
"That is the number of gross of pencils manufactured that week."
"Are his figures correct according to the data compiled by you?"
"They are."

"What does Mr. Frank have to do to get that item?"
"He had to go over about thirty sets of figures."
"How many different kinds of pencils do you find classified on that finance sheet?"
The witness glanced down the sheet and replied that he found thirty-five different kinds.

"How long would it require to make out that finance sheet containing that many classifications?"

"I never timed it exactly."

VERY TEDIOUS TASK.

"What is necessary to be done in order to arrive at the figures shown on the finance sheet?"

"Addition, multiplication and subtraction."

Attorney Arnold then went into minute detail with the witness in an effort to show that making out the finance sheet was a very complicated and tedious task. He showed among other things that in addition to classifying each and every grade of pencils manufactured during the week, he must classify also each grade of rubber plugs used during the week, and each grade of tips used, and each grade of lead used, together with the amount of each.

Schiff said that he had never known of the financial sheet being completed in less than three and a half hours. Usually it took three hours or more, said he.

HANDWRITING NORMAL.

He identified the financial sheet made out on April 26 as being in Frank's usual and normal handwriting, and declared that he had checked all of the calculations and found them accurate.

He compared it with the financial sheet of the week before, also in Frank's hand, and said that he found no difference in the writing. No nervousness showed in the writing, said he.

Attorney Arnold produced the permanent record of the factory, showing all of the financial sheets, which are bound and kept in the safe of the factory. He commenced with the factory week ending May 30, 1912, and showed each sheet to the witness, who declared that they were all in Frank's handwriting.

From the week ending May 30 through the week ending January 2, 1913, with the exception of July 25 and August 1, the witness declared that all the sheets were made by Frank in his presence on Saturday afternoons in the factory. From January 2 through April 23, he declared, all the sheets were in Frank's handwriting, although he was not present when they were made.

The cash book was shown to the witness. In it were found records of petty receipts and disbursements around the factory. There was a balance of cash on hand, in that account, of $36.54 on the Saturday of the murder, said the witness.

"Where was this cash kept?"
"In the little cash box."

"It was not Frank's money was it?"
"No, it belonged to the company."

TECHNICAL MATTERS.

The witness was asked a number of questions of a technical nature regarding the accounts in the cash book.

The requisition and house order book was produced before him, and numerous questions regarding it were asked and answered. He explained that from it preliminary calculations had to be made

before the financial sheet could be drawn. He identified eleven orders in the book, in Frank's handwriting, entered on Saturday, April 26. He testified that that there were no errors in the entering of the orders, for the goods had reached their destinations as far as he knew, no complaint having been received of their non-delivery. If they had not been filled properly, we would have heard from them long before now, was the comment of the witness.

After finishing with the questions concerning the orders received on April 26 and duly entered by Frank, according to the witness, Attorney Arnold asked the witness where Frank got these orders. Frank got them at Montag's, said Schiff. To this reply Solicitor Dorsey objected, unless the witness could testify of his own personal knowledge. Attorney Arnold changed the question.

WENT TO MONTAG'S FOR MAIL.

"Was any of these orders in the office when you left there Friday afternoon?"
"No."

"Where did Frank go usually to get his mail?"
"He went to Montag's."

"You found these orders there, in the office on Monday, duly entered?"
"I did."

"You shipped the goods called for in the orders?"

"Yes."
"You received no complaints from any of the firms to which you shipped the goods?"
"None whatever."
"Was the work Frank did in entering these orders outside and independent of the work he did on the finance sheet?"
"It was."
Attorney Arnold questioned the witness as to his movements on Sunday, April 27.

"Did you identify the body of Mary Phagan?"
"I did not."

"Did you know Mary Phagan?"
"I knew her by name, but I won't be positive that I knew her by sight."

FRANK NOT SCRATCHED.

"Was there any scratch or bruise on Mr. Frank on Sunday?"
"There was not."

"When anything went wrong at the factory, how did it affect Mr. Frank?"
"It affected him very much. He is a man of very nervous temperament. When anything went wrong he would get excited and run back and forth and show his agitation in various way."

"Just what did Mr. Frank do to manifest his nervousness?"
"His hands would shake this way," illustrating.

"Was it unusual for Mr. Frank to get nervous?"

"No."

"Do you remember a child that had been run over by a street car, and do you remember how Mr. Frank acted?"
"Yes, he came in very much excited. I had to give him some ammonia and he was not much good the rest of the day."

At this point Attorney Arnold asked the solicitor for the notes found beside the body of Mary Phagan.

WHAT HE KNOWS OF CONLEY.

"Do you know Jim Conley?"
"Yes."

"How long have you known him?"
"About two years."

"What sort of a negro is he?"
"There is very little to him."

To this question and answer Attorney Hooper objected on the ground that it was a conclusion. Attorney Arnold changed the form of his question and proceeded as follows:

"What kind of work did Jim Conley do?"
"Among other things, he trucked goods around the factory and ran the elevator some."

"Do you know Jim Conley's general character for truth and veracity?"
"Yes."

"What is it?"
"Bad."
"Would you, knowing his character, believe him on oath?"
"I would not."

"Would you believe him on oath or off of oath?"
"No."

At this point Solicitor Dorsey turned over to Attorney Arnold the notes found by Mary Phagan's body. Mr. Arnold exhibited the notes to the witness and asked him this question.

"Where in the factory can be found paper like this?"
"All over the plant."

"Why all over the plant?"
"We do not give our expensive letterheads to the employes. When they call for paper to use as memoranda in their work, we furnish them these cheap writing tablets."

TABLETS ALL OVER FACTORY.

"Are the remainder of the writing tablets swept into the trash?"
"Yes."

"At what places in the plant can these writing tablets be found?"
"From the roof to the cellar."

"Now look at this yellow paper."

"That is a duplicate order sheet of an old series which was not in use at the time of the tragedy."

"Where were they to be found?"
"Well, a foreman named Becker left a number of them on the fourth floor, and there were some in the outer office. They were accessible to anybody."

Mr. Arnold asked him if he had overheard a telephone conversation between Frank and a Mr. Ersenbach on Friday, the day before the tragedy. The witness said that he remembered talking about a baseball game, but his recollection of the words of the conversation was hazy.

The witness admitted that a person sitting at Frank's desk could see about half of the time clock on the left. No one sitting there could see the steps going down to the first floor, said he. If the door of the safe in the outer office is open, said he. "one could see only the wall in the inner office, and a person sitting at Frank's desk could not see out at all. He said that a person of Monteen Stover's height could not see over the safe door.

DIDN'T SEE MARY'S PURSE.

During work hours the safe door usually stands open, he said. He saw the safe Monday, he said, and went through it, and id not see a mesh bag there. The only pocketbook he ever saw in the safe, he said, was one containing 65 cents, which was found by an employe on the sidewalk two years ago. Schiff said that he saw Jim Conley in the factory Monday or Tuesday.

On Tuesday morning while Frank was in the factory he was with him constantly and went to the fourth floor with him and did not see him speak to Conley. Everybody was excited Monday and Tuesday and one of the foreladies went into hysterics, crying out that they shouldn't take him (referring to Mr. Frank).

CONLEY FEARED CROWD.

He remembered seeing Jim Conley in the shipping room. "What are you doing here?" the witness said he asked. Conley replied, he said, that he was afraid to go out and would give a million dollars if he was a white man.

Schiff said he told the negro that he had nothing to be afraid of and to go on down the steps. Schiff said it was very dark on the first floor of the factory around the elevator. He had never known Frank to shut or lock the office doors. There are glasses in those doors, he said.

Attorney Arnold asked him a number of questions relative to the elevator shaft. He said that the door of the shaft could be pushed up and it would be a simple matter to throw any one down in it. The elevator makes considerable noise when it starts running, said he, and stops at the basement with a thud. He said that the humming of the motor is distinct.

The motor box has not been locked, that he knows of, since the complaint was made by the insurance people before the tragedy.

The witness said he often got after Jim Conley for falling to punch the time clock, but that he did not indulge him and docked him each time.

Schiff said that he often had seen blood spots in different parts of the factory. Employes often got their fingers cut, and it was a rule that they should come to the office to have their wounds bound up. He said that he saw the blood spots which Barrett found, and the hair. He said that he saw Jim Conley when Conley pointed out the place where he claimed to have found the body, and there was no blood there. The place was dry, he said. He said he did not recall the metal room floor having been scrubbed in four years.

Solicitor Dorsey took up the cross-examination of the witness.

DENIES CONVERSATION.

"Did you talk to Undertaker Gheesling, Sunday, April 27?"

"I did not. I was not there."

"When did you talk to him?"
"Sunday afternoon about 4 o'clock."

"Well, you told Gheesling something about Mary Phagan, didn't you?"
"I did not."

"Where did you get that information?"
"I said I didn't tell him that."
Attorney Arnold entered an objection to the whole subject. Judge Roan said, "Mr. Dorsey, he denies he ever said it. I rule it all out."

"Well, you know about Mrs. White claiming to have seen a negro at the bottom of the stairs when she left the factory, Saturday, didn't you?"
"I did."
"And Sam Hewlitt a private detective, was in conference with you before you hired the Pinkertons, wasn't he, and you didn't tell him anything about that, did you?"
"He was there, but we hired him as night watchman."

"When did you hire him?"
"On the Sunday afternoon after the murder."

"When did you first tell the city detectives about this?"
Attorney Arnold objected. He said that Detective Scott already had sworn that he told the city detectives about it.

ROAN SUSTAINS OBJECTION.

"Your honor, I want to show that the factory people never told the police of this fact," said the solicitor. Judge Roan sustained the objection, however.

"On Monday, how many times did Frank telephone to you to get Pinkertons?"
"Three or four times, I think."

"Where was he?"
"At home."
"Wasn't the factory full of detectives when he telephoned—city detectives?"
"I don't know. I don't think so, though. I think the first time they came Monday was when we telephoned about finding the blood."

"When was the first time Frank telephoned you about getting the Pinkertons?"
"About 12 o'clock, I think."

"What did he tell you?"
"He told me to see Mr. Montag and tell him that he thought we ought to hire the Pinkertons to find the murderer, in justice to our employes."

"When did he phone again?"
"About 12:30 o'clock, I guess."

"What did he say that time?"
"Well, he asked me if I had seen Mr. Montag yet, and I told him that I hadn't."

FRANK ‘PHONED OFTEN.

"How long was it before he telephoned again?"
"It was just a little after 1, then."

"You said Frank talked a great deal, and tried to explain his nervousness, on the morning the body was found, didn't you?"
"I didn't say ‘talked a great deal."

"Didn't you say he tried to explain it?"
"Yes, I said that."
Solicitor Dorsey picked up a signed statement made previously by Schiff and asked, "Didn't you state in this that Frank referred to his nervousness and tried to account for it?"
"I didn't say who brought the subject up, though."
"But what did Frank say on occasions when he referred to this fact?"

DOESN'T REMEMBER.

"I don't remember exactly. I think one time, though, he spoke of how awful the girl looked at the undertaker's, and told that they had taken him into a room where the body was and had flashed on a light suddenly."

"What did Frank say the detectives told him when they called him over the phone on the morning the body was found?"
"I don't remember."

"Was your memory better on May 12 than now?"
"On May 12? I guess it was."

"Didn't Frank tell you that he asked the detectives if there was a fire at the factory?"
"Yes, he said he asked if there was anything wrong there."
"What did Frank say about his breakfast?"
"He said it was one reason why he was nervous—he hadn't had any."

"You've been without a stenographer for quite a while, haven't you?"
"Yes."

"As a result of this, what was the condition of the work?"
"The work has accumulated to some extent."

"Do you do any billing?"

"No."
"Who does?"
"The stenographer. Mr. Frank has made out bills from the checking sheet."

FRANK'S SATURDAY WORK.

"Frank doesn't do any typewriting, does he?"

"No, sir."

"What work was there for Frank to do on Saturday except with reference to this financial sheet."

"Enter the orders and make requisitions."

"You know that Miss Hall entered the orders, don't you?"
"I do not."

"When was the first time you saw those orders entered on this book?"
"Monday or Tuesday."

"Didn't you say before the coroner that you saw them on May 2?"

"I said that it was May 2 when I first entered something myself."

"How long would it take to enter those orders on that book?"

"About an hour, or an hour and a quarter."

"And to make the acknowledgments at the same time?"
"Yes."

"Didn't you say before the coroner that it would only take a half an hour?"

CROWD LAUGHS.

Attorney Rosser objected. Solicitor Dorsey declared: "He (the witness) knows what I want!" There was audible laughter in court. Attorney Arnold jumped to his feet. "Your honor, I am going to move to clear the court if this isn't stopped. I don't know who is instigating this, but these people are not participating in this trial, and they should be made to preserve order."

Judge Roan commanded the sheriff to bring any person before him whom he caught laughing or creating any kind of disorder.

"Didn't the coroner ask you how long it took to enter these orders, and didn't you say ‘not over a half an hour'? Tell this jury why you now say an hour and a half."

"I said it took a half an hour simply to enter the orders."

"You know that Miss Hall made the acknowledgments, don't you?"
"No, I do not."

"You know that Miss Hall did it if she was there, don't you?"
"I do not."

"If Frank did make the acknowledgments, how long would it take him to do so?"
"Not over five or ten minutes."

"Well, why should it take him an hour and a half to enter eleven orders on this book?"
"You mean to enter them, transcribe them and copy them?"
"Yes, to transcribe them and copy them."

DORSEY GETS IN EVIDENCE.

Mr. Rosser objected again to the questions. Solicitor Dorsey put a new question.

"Now tell the jury what you stated it took Frank an hour and a half to do."

Mr. Arnold objected to this question.

"All right," said the solicitor. "Mr. Witness, come down here in front of the jury and take this book and put your finger on the beginning of this hour and a half of work, and explain just what Frank did during that period."
The witness went through the book, pointing out the work which he said Frank did on that Saturday.

"Was any of that work done on Friday?"
"No."
"How do you know?"
"Because none of it was there when I left Friday night."

The solicitor, pointing to the orders, demanded "How long with this data before him would it take Frank to enter those eleven orders?"
"Half an hour."

"You think it would take an expert penman like Frank 30 minutes to write down eleven short orders?"
"I didn't say he was an expert."

"Well, he makes out all the financial statements, doesn't he? And none has been made out since he's been in jail?"
"Yes, he makes out the statements. None have been made out since he's been in jail."

SHAKES FINGER IN FACE.

Attorney Arnold suggested that the witness should take the chair; that the solicitor and the witness were "jowering" at each other and had their fingers in each other's faces and they might fight. Solicitor Dorsey ignored the interruption, the witness remaining in front of the jury box.

"You tell me that you never watched Frank enter orders."

"I said I'd never timed him."

"Then, it is a mere guess as to how long it would take him?"
"Yes."

"Then it may have taken thirty minutes, or it may not have taken him but fifteen minutes?"
"Yes."
"What else was there to do beside enter these orders?"
"Transcribe them and acknowledge them."

"Didn't Miss Hall do that?"
"She only acknowledged them."

COUNSEL ARGUES.

There was some argument between solicitor and Mr. Arnold as to the next question he asked the witness. The solicitor stated that he desired to show by the witness that Miss Hall did this work Saturday morning, April 26; that she had put her initials on it to show that she had done it, and that it went on out to Mr. Schiff. The solicitor declared that he ought not to have been made to indicate to the witness just what he purposed showing.

"What is the regular way about acknowledging these orders?"
"There is no regular way. Sometimes the orders are acknowledged before they are filled."

"When in the usual orderly way, did Frank first enter the orders on this book?"
"There was no certain first step in the process."

"Then you had no system at all?"
"Yes, but in this transaction one thing doesn't hinge on another."

"What is the usual custom with reference to these orders?"
"There was no usual custom."

ADJOURNS TILL MONDAY.

"If Hattie Hall had anything to do with writing these things it was done Saturday morning, was it not?"

"Yes."

"How do you know."

"I think so."

"If entering the orders is the first step, and acknowledging them is the second step, what is the next?"

"To transcribe them."

"What else?"
"We usually put down the value."

"Show the jury where and how you put the value down on these books."
After the witness had done that, court was adjourned at 12:25 until Monday morning at 9 o'clock.

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